



LEGISLATIVE ASSEMBLY
ALBERTA

Len Webber, M.L.A.
Calgary – Foothills Constituency

April 24, 2006

Dear Stakeholders:

The security industry is expected to experience increased demands in the coming years. It is important that standards be developed to keep pace with the anticipated growth and give Albertans a sense of safety and security in their communities. In April 2005, I was appointed by Honourable Harvey Cenaiko, Alberta Solicitor General and Minister of Public Security to lead the review of the *Private Investigators and Security Guards Act*.

Over the last year, stakeholders were consulted and research was completed across Canada and internationally to develop the draft directions contained in the attached Consultation Paper. I would like to take this opportunity to thank those who participated in the consultation process. I look forward to continuing to work with stakeholders as recommendations are developed that will be submitted to the Solicitor General and Minister of Public Security for consideration in developing changes to the legislation.

Before the recommendations can be developed, your views on the proposed directions are appreciated. Please submit your feedback prior to June 9th, 2006. I look forward to reviewing your comments and ideas for the future direction of the security industry.

Sincerely,

A handwritten signature in cursive script that reads "Len Webber".

Len Webber
Chair, of the Review
MLA Calgary-Foothills

Attachment

Consultation Paper

**Government MLA Review of the *Private
Investigators and Security Guards Act***

April 18, 2006
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Alberta Solicitor General
and Public Security

INTRODUCTION

Private security is a rapidly growing and changing industry in Alberta. However, legislation has not kept pace with this expansion or with the needs of the industry and the public. The security industry plays a vital role in enhancing public safety by providing protection and security services through a range of private and public agencies.

The present legislation originated with the *Private Detective Act* in 1948, which evolved into the *Private Investigators and Security Guards Act* in 1965. Currently, approximately 4,500 licensed security guards and 620 licensed private investigators operate in Alberta. The province is also home to over 90 licensed security guard companies and 150 private investigator agencies. These numbers do not include internal or in-house security or other sectors of the unlicensed security industry. Through the *Criminal Code of Canada*, the Solicitor General and Ministry of Public Security also licenses approximately 1,140 locksmiths and 1,360 individuals who require the use of vehicle lock out tools which are commonly tow truck operators or those in the automotive or auto body technician trades.

Review process

Government only regulates a small portion of the security industry in Alberta. Over the next several years, it is anticipated that the security industry will grow at an increasing rate to respond to the demands for increased security by the public and businesses.

In April 2005, Harvey Cenaiko, Solicitor General and Minister of Public Security appointed Len Webber, MLA, Calgary-Foothills as Chair to review the *Private Investigators and Security Guards Act*. The goal of the review is to ensure the legislation is effective, reflective of industry changes over the last 40 years and integrated into the overall strategy for public safety.

The review is currently ongoing and has included stakeholder consultations across Alberta and Canada as well as research from across the country and internationally. Over 130 submissions were received from the stakeholders such as security guards, private investigators, locksmiths, tow truck companies, police services, armoured car companies, the energy sector, shopping centers, grocery stores, restaurants and hotels, educational institutions and the general public. Stakeholders also expressed their views at more than 25 meetings held on the review of the security industry. The intent of this document is to seek additional stakeholder feedback in refining the directions and developing recommendations.

INTENT OF CONSULTATION PAPER

This document contains draft directions based on the stakeholder consultations and research. Feedback received from this report will assist in further developing recommendations that will benefit both the security industry and the public it serves by increasing the quality of the service provided and promoting confidence in the industry as a whole. The intent of this report is to gain further stakeholder input into developing recommendations that will enhance public safety and security and assist in safeguarding life and property while respecting the rights of those involved. The submissions received to date will continue to be reviewed and relied on throughout the development of the recommendations.

This Consultation Paper offers a summary of stakeholder feedback and an overview of some of the changes being considered to the *Private Investigators and Security Guards Act*, including:

- Parameter of licensing
- Minimum qualifications
- Training standards
- Use of equipment
- Accountability
- Licensing and portability
- Renewing licences
- Standards for uniforms and vehicles
- Communication

HOW CAN I PROVIDE MY IDEAS FOR THE REVIEW?

Upon reading this document, there are several ways you or your organization can respond. Please be as specific as possible in your written response in terms of identifying your area of interest in the report and additional areas for consideration.

Please provide your comments before **June 9th, 2006** by:

- Mail:
Government MLA Review of the
Private Investigators and Security Guards Act
Alberta Solicitor General and Public Security
10th Floor, John E Brownlee Building
10365 – 97 Street
Edmonton AB T5J 3W7
- Email: securityindustry.review@gov.ab.ca
- Fax: (780) 427-1903

Updates will be posted at www.securityindustryreview.gov.ab.ca

If you require additional copies of this Consultation Paper or have any questions, call toll-free 310-0000, then (780) 427-3149.

I. PARAMETERS OF LICENSING – WHO SHOULD BE LICENSED?

Current Situation

Under the current *act*, private investigators and contracted security guards must be licensed. Contract security generally involves services provided by security guards to protect people or property that have been contracted through a business, agency or individual. Private investigators generally obtain information about the personal character and actions of a person. They also search for missing persons.

In addition, through the *Criminal Code of Canada* individuals who require automobile master keys and tools for entry into vehicles also require a licence. This commonly includes locksmiths and individuals who provide vehicle lock out services.

Stakeholder Feedback

The majority of respondents indicated when an area significantly impacts public security and safety, it should be considered for licensing under the *act*. Also, those that are already regulated or subject to stringent industry standards, such as barristers and solicitors, insurance adjustment agencies or financial institutions who may perform investigations should not be licensed under the *act*.

Proposed Direction

In protecting the safety and security of people and property, companies and individuals who are providing a security function and interact with the public or are performing activities that could impact the civil liberties of others should be licensed. Those that are already highly regulated are being considered for exclusion from licensing.

The directions discussed below are consistent with other jurisdictions across Canada and internationally. Transitional provisions for those sectors that may be licensed are also being considered. The following agencies and security personnel are being considered for inclusion in the licensing requirements:

(i) Security guards

The definition of a security guard would be clarified and expanded to include activities involved in guarding or patrolling for the purpose of protecting property or persons. This would include roles such as bodyguards, door supervisors and security staff or bouncers in bars who provide supervision and security on the floor. Also, in-house security guards who are providing security services to their employers' property such as shopping malls or office buildings would also be licensed.

Rationale

There are minimal differences between in-house security and a contracted security function. Also, the role of doormen, security staff or bouncers often involves similar activities performed by a security guard. Expanding and clarifying the definition of a security guard will provide consistency in the standards across the province.

(ii) *Security guard dog companies*

This would include guard dogs that detect explosive devices and provide security for intrusion, detection and tracking.

Rationale

A guard dog that is used for security is viewed as additional enforcement to support security guards in completing their duties.

(iii) *Private investigators*

Private investigators would continue to be licensed and the definition would be clarified to include those who engage in the following:

- obtaining and providing information as to the conduct, personal character, identity, location, education, employment and assets of any person or business,
- investigating accidents, property damage, and crimes or offences involving any person or business, including the whereabouts of a missing person,
- investigating stolen or lost property incidents in an attempt to locate or recover the property,
- surveillance activities, and
- providing an investigative role through a business where the activities are being completed externally to the organization and involve a third party.

Some activities performed by private investigators may have a higher degree of impact on the privacy and rights of individuals and may impact public interest. To ensure the public's security is protected, additional safeguards and criteria are being considered for those private investigators that perform these types of activities.

Rationale

The directions increase the standards for private investigators, provide consistency across the province and more accurately reflect their current role.

(iv) *Loss prevention personnel*

Loss prevention personnel should be licensed to reflect their unique responsibilities involved in preventing, detecting or apprehending shoplifters.

Rationale

In performing their duties, loss prevention personnel who are usually in plain clothes may impact civil liberties when interacting with the public, thus should be licensed.

(v) *Alarm companies*

Alarm companies that install, maintain, monitor and respond to alarm systems used to detect burglary, breaking or entering, intrusion or theft in residential or commercial buildings would require licensing.

Rationale

Alarm systems are designed to protect lives and property, thus affecting the safety and security of individuals involved.

(vi) *Vehicle lock out service providers*

Individuals who require a restricted automobile master key or commonly called a vehicle lock bypass tool used to gain access to a locked vehicle should *continue* to be licensed. These individuals are often tow truck operators or fall under the automotive and auto body technician trades.

Rationale

Developing provincial legislation that clarifies the types of tools this industry requires will minimize security risks to the public.

(vii) *Locksmiths*

Locksmiths should *continue* to be licensed. However, the activities of locksmiths should be clarified to include installing, maintaining and repairing mechanical and electronic locking devices such as safes and vaults, cutting restricted keys and unlocking building doors and vehicles.

As part of the licensing requirements, locksmiths should:

- hold a Locksmith trade certificate; or
- be a registered apprentice in the Alberta Apprenticeship Program.

Rationale

Clarifying the activities of locksmiths and requiring mandatory training will strengthen the quality of service and minimize security risks to the public.

II. MINIMUM QUALIFICATIONS

Current Situation

The current legislation requires that an applicant for a private investigator or security guard be at least 18 years of age, of good character, complete a criminal record check and submit fingerprints. These conditions also apply to licensing agencies or businesses under the act.

Stakeholder Feedback

Overall, respondents agreed that private investigator and security guard agencies and individuals and any other security agency should abide by more comprehensive and stringent licensing requirements. This should include minimum standards such as a more comprehensive criminal record check and proof of a business licence.

Proposed Direction

It should be clarified that before an agency, which involves an individual, partnership or body corporate, is eligible to receive a licence, the following minimum standards should be met:

- be a registered company in Alberta with an address in the province, and
- pass a site inspection before licensing or alternatively once a licence is issued.

The licence holder and agency employees performing a security function should also meet the following:

- be at least 18 years of age with the exception of those applying for a locksmith licence, who may be under 18 years and enrolled in the locksmith apprenticeship program,
- be of good character and reputable,
- be a Canadian citizen or a person lawfully admitted to Canada for permanent residence,
- supply a driver's licence abstract,
- submit to an advanced criminal record check, and
- have three reference checks of the employee completed by the employer.

For those agencies and employers whose primary purpose is not security or investigations, a different set of requirements is being considered. Also, for those establishments that are required to obtain a liquor licence, coordination with Alberta Gaming is being explored to ensure that duplication in processes is minimized.

III. TRAINING STANDARDS

Current Situation

Under the current legislation, there are no mandatory minimum educational or training requirements for private investigators and security guards in Alberta.

Stakeholder Feedback

The majority agreed mandatory training requirements for those who require a license under the new legislation should be developed. They indicated that there should be minimum education and training standards. The majority said the industry should be responsible for training costs.

Proposed Direction

Mandatory training as part of the minimum qualifications will help improve industry standards and enhance public safety and security. Job specific training is the key to ensure security agencies and personnel have the necessary skills as it pertains to ensuring the safety and security of those involved.

Alberta Solicitor General and Public Security would establish training certification and re-certification standards in consultation with stakeholders. Employers and employees would cover all training costs.

IV. USE OF EQUIPMENT

Current Situation

Under the current act, security guards and private investigators are not allowed to use equipment such as batons.

Stakeholder Feedback

The majority of respondents said that Alberta Solicitor General and Public Security should have the authority to prescribe specific types of devices, the circumstances of their use and the level of training required to use them.

Proposed Direction

The Alberta Solicitor General and Public Security should have the authority to approve handcuffs and batons. All other equipment and devices, including pepper spray, should be prohibited. By strengthening and clarifying the types of devices and equipment security personnel may use, the public can be assured that standards are being adhered to.

V. ACCOUNTABILITY

Current Situation

The effectiveness of the legislation is dependent somewhat on the system established to monitor and enforce the requirements. Under the current *act*, Alberta Solicitor General and Public Security may suspend, cancel or refuse to renew a licence. However, the current legislation provides only minimal authority to monitor the operation of agencies and personnel and address or penalize unethical practices of security guard or private investigator companies and personnel.

Currently, all agency applicants must post a \$5,000 surety bond with the Alberta Solicitor General and Public Security before a license is issued. The bond is required in the event that the principal and/or employee of the principal fail in any respect to perform faithfully, honestly and lawfully in the business of employment.

Stakeholder Feedback

To ensure the industry adheres to standards, respondents indicated that Alberta Solicitor General and Public Security should oversee and monitor the operation of the security industry. Also, more serious incidents such as the use of force and formal written complaints regarding the conduct of a business or its employee should be reported to the Alberta Solicitor General and Public Security. For those situations where the agency or individual licence is cancelled, an appeal process should be established.

Reaction was mixed regarding replacing surety bonds with increased liability insurance. However, the majority of respondents agreed that agencies performing security functions should provide proof of adequate liability insurance.

Proposed Direction

Alberta Solicitor General and Public Security would have increased authority to ensure compliance to standards. Industry monitoring and enforcement of standards would be enhanced by expanding the authority of Alberta Solicitor General and Public Security for inspections. Provisions for sanctions and fines would be similar to those already in place with the addition of allowing the inspector to issue a verbal or written warning, fine on the spot or request formal charges against the licensee. For those agencies or individuals that have their licence cancelled due to lack of compliance to the standards, the current process involving an appeal to Law Enforcement Review Board would continue.

As a requirement for licensing, agencies would need to have a minimum of \$2 million in liability insurance. Bonds are not being considered as a requirement at this time as there have been minimal claims on bonds over the years.

VI. LICENSING AND PORTABILITY

Current Situation

Licensed security personnel cannot take their licence from company to company or be employed by more than one company at the same time under the same licence. In situations where an employee moves to another agency, the employer needs to apply to Alberta Solicitor General and Public Security for another licence.

Stakeholder Feedback

Respondents indicated that individuals should be allowed to retain their licence when moving to another employer.

Proposed Direction

A streamlined process for licensing and portability is recommended to allow the industry to be responsive to the security needs of the public.

VII. RENEWING LICENCES

Current Situation

All licenses are required to be renewed annually based on a calendar year.

Stakeholder Feedback

The majority of stakeholders agreed that annual applications should be staggered throughout the year and consideration should be given to extending licenses in some circumstances for up to two years or longer.

Proposed Direction

As the industry is continually growing and personnel are entering and leaving sometimes every few months or within the year, a staggered one-year renewal is recommended for agencies and security personnel based on the yearly anniversary date of application.

VIII. STANDARDS FOR UNIFORMS AND VEHICLES

Current Situation

Although the current legislation and policy provides some guidelines for uniforms and vehicle markings, in many instances security guards wear uniforms, drive vehicles and use insignia very similar to those of police. This creates some confusion for the public.

Stakeholder Feedback

According to the majority of respondents, security uniforms and vehicles should have identifying marks to distinguish them from police officers. These marks should include the word “security” on security guard uniforms and vehicles.

Proposed Direction

Alberta Solicitor General and Public Security would approve all uniforms and vehicle markings for all uniformed security personnel. Those who currently have approval to be in plain clothes would remain so.

IX. COMMUNICATION

Current Situation

Currently communication with stakeholders occurs on an as needed basis.

Stakeholder Feedback

The majority of stakeholders favored a communication process to support the development of industry-wide standards for recruitment, training, education and a code of conduct.

Proposed Directions

Mechanisms should be further explored in terms of determining the best approach to support stakeholder involvement and enhance communication between the Solicitor General and Public Security and stakeholders. This may include bi-annual newsletters, website updates and industry-government meetings.